



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 1391 Huntmar

Legal Description: Part of Lot 13, Concession 1, Former Geographic Township of West Carleton

No.: D08-01-23/B-00072 & D08-01-23/B-00073

Date: April 13, 2023

Hearing Date: April 19, 2023

Planner: Jack Graham

Official Plan Designation: Rural Countryside

Zoning: RR3 – Rural Residential, Subzone 3

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department **Objects** with the application as submitted. Should the Committee approve the application, the Department has requested several conditions.

DISCUSSION AND RATIONALE

The subject site is designated as Rural Countryside and zoned as RR3 – Rural Residential Subzone 3. The Rural Countryside designation seeks to accommodate a variety of land uses, and to limit the amount of residential development. The intent of the RR Zone is to recognize and permit large-lot residential development in planned subdivisions and to acknowledge existing smaller lot development, and to regulate development in a manner that respects both the residential character of the area and the surrounding rural context.

The applicant is seeking to sever the 2.09 hectare parcel into two 1.05 hectare parcels. Official Plan section 9.2.3 Policy 3 sets out the policies for lot creation in the Rural Countryside designation. For lots outside of a historical settlement area, limited residential infill is permitted provided that the following conditions are met:

- i) *The proposed lot(s) have frontage on an open and maintained public road;*
- and*



- ii) The proposed lot(s) are opposite a lot containing a dwelling where its front yard is on the same road; and*
- iii) The proposed lot(s) are vacant lot(s) between two existing dwellings with front yards on the same side of the road, and are situated not more than 250 metres apart; and*
- iv) The proposed and retained lot(s), should be of a similar size to the existing surrounding lots, and shall not be less than 0.8 hectares ; and*
- v) The proposed lot(s) shall be adequately serviced without adversely impacting existing private services on adjacent lots; and*
- vi) No more than two lots will be created from any lot in existence on 13 May 2003, and no further severances will be permitted from a severed lot.*

Severances under this policy must meet all of the above requirements. Requirement *ii* is not met, as the lot is opposite a lot designated as O1A – Open Space Zone, Subzone A. The O1A Zone does not permit residential development, and there is no residential dwelling on that site.

Furthermore, the current wording of the Rural Countryside severance policies would further preclude this development, as it would also require that the retained land be of at least 10 hectares.

The site is covered with the Natural Heritage Overlay due to the forest cover. As such, an Environmental Impact Study (EIS) was required. An EIS was submitted, and reviewed by Environmental Planning staff. Staff accepted the report's conclusions no negative impact is likely to occur from development, provided that the included mitigation measures are followed. Staff did note that there is one species-at-risk on site, a single butternut tree. This requires a special condition as described in the EIS, which would need to be registered on title should the application be approved.

In summary, staff cannot support the application as it does not conform with the intent of the Official Plan's rural severance policies, beyond the error with the current wording of the Official Plan.

The Department has the following additional information to convey to the Applicant:

Currently, there is no private approach/driveway providing vehicular access to the retained parcel. In light of this, the applicant shall be made aware that any future development of this lot will require a private approach permit to gain vehicular access to the parcel of land.



Should the Committee decide to hear the application, the following conditions are requested:

CONDITIONS

1. The Owner, or any subsequent owners, shall demonstrate that a private approach can be established on the severed land. Prior to any development or construction, the Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit. In addition, the private approach shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the **Right-of-Way, Heritage, and Urban Design Department**. Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain a road cut permit prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the **Director, Infrastructure Services**.
2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

"The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

3. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along Huntmar Drive, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal



Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

4. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners' report must demonstrate the following to the City of Ottawa:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of **Development Review Manager of the Rural Branch within Planning, Real Estate and Economic Development Department, or his/her designate.**

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

5. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate,** to adhere to the mitigation measures in the



Environmental Impact Study completed by Muncaster Environmental Planning Inc., dated February 15, 2023.

6. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

A handwritten signature in black ink, appearing to read "Jack Graham".

Jack Graham
Planner I, Development Review, PRED
Dept.

A handwritten signature in blue ink, appearing to read "Cheryl McWilliams".

Cheryl McWilliams, MCIP, RPP
Planner III, Development Review, PRED
Dept.